Application No. 09/811,129
Amendment dated December 1, 2004
Response to Office Action of July 1, 2004

Atty. Docket No. 042390.P10466
Examiner Blair, Douglas
TC/A.U. 2142

Remarks

Applicants respectfully request reconsideration of the present U.S. Patent application as amended herein. Claims 9, 26, 34 and 39 have been amended. No claims have been added or canceled. Thus, claims 1-43 are pending.

The Examiner is thanked for the detailed review of the present matter. Regarding the objection to FIG. 2, marker 204 has been modified to encompass just the "alter.net" portion of the illustrated locator rather than the iu.alter.net. While the original marking was not in disagreement with the corresponding description regarding the illustrated locator, the Examiner is quite right that adjusting the drawing makes matters clearer.

Regarding the objection to FIG. 4 and accompanying description regarding use of biological storage, it is submitted Applicants merely pointed out in the description various storage devices known to those skilled in the art which may be employed for storing data, of which one such technique is use of biological storage. Applicants submit particular storage techniques are not a feature essential to understanding the recited embodiments, e.g., storage is not essential to understanding, for example, the FIG. 1 method for geographic location determination based at least in part on inspection of a network address of a client. Hence, it is respectfully submitted the figure and description are correct as filed.

Regarding the specification objection to the paragraph at page 5 line 17, the "lookup up" clerical error has been replaced with "looked up" as was intended.

Regarding the objection to claim 34, the clerical error in dependency has been corrected as noted by the Examiner, and claim 34 now depends from claim 31 as

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originally intended. Thank you for noting the error; however Applicants note the Office states claim 34 erroneously depended from claim 25 when in fact the error was due to the claim erroneously depending from claim 30.

35 USC §112

Claim 5 and claim 22 stand rejected as having no antecedent basis for using the phrase "the construction format." It is respectfully submitted that claims 1 and 18 recite "identifying **a construction format** for the domain name" and hence these claims have proper antecedent basis.

35 USC §102

Claims 1, 3-4, 6, 14-15, 17-18, 20-21, 23, 31-32, 34-35, and 41-42 stand rejected under 35 USC §102(e) as being anticipated by Cotichini (US Pat. No. 6,269,392), of which 1, 14, 18, 31, 35 and 41 are independent claims. Applicants traverse the rejections for the following reasons.

In order to facilitate focusing prosecution, the rejections of most of the dependent claims generally will not be substantively addressed in this response. However, it is submitted the dependent claims are allowable for at least the reason of depending from allowable base claims as discussed below, as well as because that these claims introduce further limitations distinguishing over Cotichini.

Regarding the rejection of <u>claims 1 and 18</u>, the Office overextends operation of the Domain Name Service (DNS) to apply it to the present recited embodiments. In particular, the Office completely misapplies operation of DNS in order to apply it to the

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recited first clause "performing a trace route between a server and the address of the client" of, for example, claim 1. It is submitted Cotichini's described "DNS" operations at cols. 8 line 58 to col. 9 line 7 relied on by the Office do not and can not teach the recited tracing a route as suggested by the Office.

Conventional DNS operations, as discussed in Cotichini, resolve a human-friendly domain name, such as www.berkeley.edu into a machine-friendly Internet network address, such as 192.168.2.3. Trace routing, in contrast, as discussed in the specification at page 4, "involves determining a network path between the client and server." This is not DNS. While DNS *does* provide that if one DNS server does not know a particular domain name, the server may ask another one, and so on, until some DNS server is located that knows the correct IP address for a domain name (or an error occurs), this name resolution hunt between does not anticipate the recited "performing a trace route between a server and the address of the client." Thus, it is submitted that for at least this reason, the §102 rejections of the claims fail.

It may be the Office is confused over reference in col. 9 line 1 to "routers" versus tracing a route as recited. "Router" refers to a device that moves (e.g., "routes") network packets from one place to another. A trace route may identify various routers along a route, but it should be appreciated a router is not the route itself.

Regarding the assertion in Action ¶10 that Cotichini teaches determining the recited "identifying a construction format" and "identifying a geographically significant component of the domain name" Applicants submit this is also incorrect. There is

nothing in Cotichini at col. 11 lines 3-25 to anticipate these recited elements. While it is true that Cotichini states:

> the Agent initiates a traceroute routine which provides the host with the Internet communication links that were used to connect the client computer to the host. These Internet communication links will assist the host system in tracking the client computer. The IP address of the source of the DNS query is sent to the host within the DNS query.

There is no teaching or suggestion in Cotichini of performing the recited "identifying a geographically significant **component** of the domain name;" all that is taught here is that a traced route is somehow used to "assist" with "tracking the client computer." This vague teaching does not and can not anticipate what is recited. Thus, it is submitted that for at least this reason, the §102 rejections of the claims fail.

Regarding the rejection of <u>claims 14, 15, 17, 31, 32, and 34</u>, Applicants traverse the rejections. The Office *again* uses Cotichini at col. 11 lines 3-25, this time to suggest this portion of Cotichini expressly teaches ***each and every element of claims 14, 15, 17, 31, 32, and 34*** (as is required to support the §102 rejections). Thus, for example, with respect to claims 14 and 31, this single paragraph, in theory, teaches <u>creating a log</u> comprising network addresses of clients that have communicated with a web server, <u>filtering the log</u> so as to remove undesirable network addresses, **asynchronously** <u>performing a trace route</u> between a first one of said filtered network addresses and the server, <u>analyzing a result</u> of said asynchronous performed trace route, and <u>determining a geographic location</u> for said first one responsive to said analyzing.

With all due respect, the suggestion that Cotichini at col. 11 lines 3-25 teaches all of these things is rather astonishing since there is ***little*** in lines 3-25 beyond a general mention of DNS lookups and a **vague** statement that a traced route is somehow used to

"assist" with "tracking the client computer" (lines 8-9).   There are **no** details to support these §102 rejections. And there is nothing in the Action to explain these rejections beyond a simple repetition of the recited claim language and this repeated reference to Cotichini as support for the §102 rejection! For example, where does the asynchronous aspect of claims 14 and 31 come into play in that paragraph? It does not. Where is the filtering of undesirable addresses? There is no such filtering as recited in lines 3-25.

Application of Cotichini at col. 11 lines 3-25 to the variety of claims as performed in the present Action is inexplicable to Applicants. Applicants must respectfully demand that the Office withdraw the rejection of claims 14, 15, 17, 31, 32, and 34 and either allow the claims or provide a new non-final rejection showing <u>where and how each and every element of the rejected claims are taught by Cotichini</u>.

35 USC §103

Claims 2, 5, 8-13, 16, 19, 22, 25-30, 33, 36-40 and 43 stand rejected as being obvious over Cotichini in view of Ansell (US Pat. No. 6,151,631), of which claims 8, 25 and 38 are independent claims. Applicants traverse the rejections for the following reasons.

In order to facilitate focusing prosecution, the rejections of most of the dependent claims generally will not be substantively addressed in this response. However, it is submitted the dependent claims are allowable for at least the reason of depending from allowable base claims as discussed below, as well as because that these claims introduce further limitations not taught or suggested by Cotichini and Ansell, whether these references are considered individually or one in view of the other.

Regarding the rejection of <u>claims 8 and 25</u>, Applicants traverse the rejections because there is no motivation to combine the references as suggested. Since the recited embodiments speak to using trace rout functions to assist with determining a geographic location for a client, and artisan would **not** look to Andsell to combine with the trace route teachings of Cotichini as suggested. This is due, at least in part, to Andsell stating in its Summary:

> **Trace routing is too inefficient** for inquiries which are ancillary to a commercial transaction. It may take several seconds to several minutes to estimate a geographical location. In a typical commercial transaction, **consumers will be loath to wait** an additional few minutes while geographical location is estimated. In addition, trace routing can be exceedingly complex to implement in properly handling failure conditions, e.g., to properly interpret paths taken by lost packets.

It is respectfully submitted an artisan would be loath to combine Andsell with Cotichini as suggested, and hence the suggested combination of references is not obvious as suggested.

Regarding dependent <u>claims 9, 26 and 39</u>, these claims have been amended to correct an unfortunate clerical error. The last clause should have recited "revising said estimated geographic location based at least in part on said **second** parsing" rather than erroneously repeating the first parsing as in the independent claims. Even if, for argument's sake, we assume Ansell teaches determining a geographic location for a host identifier, it is respectfully submitted neither Andsell nor Cotichini, whether considered individually or one in view of the other, teaches or suggests the amended using **two** host identifiers from a trace route to estimate a geographic location, where the first host identifier is used to derive an estimated geographic location that is then **refined** based on a host identifier. Applicants apologize for this error in the claims.

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Conclusion

For at least the foregoing reasons, Applicants submit that the rejections have been overcome for the independent claims and dependent claims as discussed above. Therefore, claims 1-43 are in condition for allowance and such action is earnestly solicited.

INTERVIEW REQUEST

Given the apparent misunderstanding of some of the rejections, the Examiner is respectfully requested to contact the undersigned by telephone to discuss the present matter. A telephone conference will likely help clarify inventive intent as well as the Office's interpretation of the documents relied on in the present Action.

Please charge any shortages and credit any overcharges to our Deposit Account number 02-2666.

Respectfully submitted,

Date: December 1, 2004

Steven D. Yates
Patent Attorney
Intel Corporation
Registration No. 42,242
(503) 264-6589

c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026

Attachments

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Amendments to the Figures

The attached sheet includes changes to FIG. 2. This sheet replaces the original sheet including FIG. 2. In Fig. 2, marker 204 has been modified to encompass just the "alter.net" portion of the illustrated locator.

Attachment: Replacement Sheet

Annotated Sheet Showing Changes

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Replacement Sheet

FIG. 2

| PORT | DEVICE | AIRPORT | IU | ALTER | NET |

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